

REMARKS

In the Office Action mailed September 28, 2007 from the United States Patent and Trademark Office, claims 1-5, 7-9, 14, 18-21, 23, 24, 28-34 and 39 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,889,256 to Palevich et al. (hereinafter “Palevich”), claims 10-13, 15-17, 25-27, 35-38 and 40-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Palevich in view of U.S. Patent Application Publication No. 2002/0104097 to Jerding et al. (hereinafter “Jerding”), and claims 6 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Palevich in view of U.S. Patent Application Publication No. 2003/0009668 to Chan et al. (hereinafter “Chan”).

Applicants therefore respectfully provide the following:

Rejections under 35 U.S.C. § 102(e):

In the Office Action, claims 1-5, 7-9, 14, 18-21, 23, 24, 28-34 and 39 were rejected under 35 U.S.C. § 102(e) as being anticipated by Palevich. M.P.E.P. § 2131 sets forth the standard for a rejection of a claim as anticipated under 35 U.S.C. § 102. “To anticipate a claim, the reference must teach every element of the claim.” M.P.E.P. § 2131 states further,

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). . . . “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants respectfully submit that the reference cited in the Office Action fails to teach every element of the claim set as provided herein for at least the following reasons.

Independent claim 1, as amended, requires: “monitoring, at the remote server device, a location of the remote server device for changes to applications, removals of applications, and

additions of new applications; and notifying the client device, in real time, of any changes, removals, and additions detected during monitoring.” Similar limitations are required by the other independent claims, claims 18 and 28. Therefore, such limitations or similar limitations are included either directly or by dependency in all claims rejected under 35 U.S.C. § 102(e). Such limitations are not taught or suggested by Palevich. Applicants therefore respectfully request removal of all rejections under 35 U.S.C. § 102(e).

Rejections under 35 U.S.C. § 103(a):

In the Office Action, claims 10-13, 15-17, 25-27, 35-38 and 40-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Palevich in view of Jerding and claims 6 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Palevich in view of Chan. M.P.E.P. § 2141 sets forth the *Graham* factual enquiries that should be considered when making an obviousness rejection under Section 103: “Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved.” (Citing *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966).) Additionally, one helpful standard for a Section 103 rejection is set forth in M.P.E.P 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

(Emphasis added). This standard is particularly helpful in evaluating the first two *Graham* factual enquiries of determining the scope and content of the prior art and ascertaining the differences between the prior art and the claims at issue. Applicants respectfully submit that the references cited by the Examiner, either alone or in combination, do not teach or suggest all the limitations claimed in the claim set provided herein. Therefore, the differences between the claimed invention and the prior art show that one of skill in the art would not find the claimed invention obvious in light of the cited references.

Independent claim 1, as amended, requires: “monitoring, at the remote server device, a location of the remote server device for changes to applications, removals of applications, and additions of new applications; and notifying the client device, in real time, of any changes, removals, and additions detected during monitoring.” Similar limitations are required by the other independent claims, claims 18 and 28. Therefore, such limitations or similar limitations are included either directly or by dependency in all claims. Such limitations are not taught by Palevich (see Office Action at page 7, second full paragraph) or Jerding. The Office Action explicitly acknowledges that Palevich does not teach such limitations.

Jerding also fails to teach such limitations. Jerding fails to teach monitoring, at the remote server device, for application changes, removals, and additions and notifying the client device in real time of any changes, removals, and additions detected during monitoring. Jerding only teaches periodic transmission of a current version table showing current versions of applications. (Figure 8, step 121 – shown below with emphasis added, Para [0071]) Chan also fails to teach such limitations.

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SAM SERVER PERIODICALLY TRANSMITS TO THE SAM CLIENT ON THE DHCT A CURRENT VERSION TABLE CONTAINING INFORMATION OF THE CURRENT VERSION FOR ALL APPLICATIONS

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Therefore, as all three of Palevich, Jerding, and Chan fail to teach these limitations, the combination of these references also fails to teach these limitations. Therefore, the claim set as amended herein is not made obvious by the cited references, either alone or in combination. Applicants therefore respectfully request removal of all rejections under 35 U.S.C. § 103(a).

**CONCLUSION**

Applicants submit that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicants request favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

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Respectfully submitted,

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